

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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<i>In re K-DUR ANTITRUST LITIGATION</i>	:	Civil Action No. 01-CV-1652 (JAG)
This document relates to:	:	(Consolidated Cases)
ALL ACTIONS	:	MDL Docket No. 1419
	:	<b>DISCOVERY ORDER</b>

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This matter having come before the Honorable G. Donald Haneke for oral argument on February 7, 2005; and the Court having considered the following written submissions of the parties:

1. Letter of September 23, 2004 from Alan M. Wiseman, Esq. on behalf of defendant Schering-Plough to the Honorable G. Donald Haneke;
2. Letter of September 30, 2004 from Peter S. Pearlman, Esq. on behalf of direct purchaser class plaintiff Louisiana Wholesale Drug to the Honorable G. Donald Haneke;
3. Letter of October 7, 2004 from Alan M. Wiseman, Esq. on behalf of defendant Schering-Plough to the Honorable G. Donald Haneke;
4. Letter of October 15, 2004 from Alan M. Wiseman, Esq. on behalf of defendant Schering-Plough to the Honorable G. Donald Haneke;
5. Letter of October 25, 2004 from Charles A. Loughlin, Esq. on behalf of defendant Schering-Plough to the Honorable G. Donald Haneke;
6. Letter of October 25, 2004 from Douglas H. Patton, Esq., Scott E. Perwin, Esq. and Barry L. Refsin, Esq., on behalf of the CVS and Walgreen plaintiffs, to the Honorable G. Donald Haneke;
7. Two letters of October 28, 2004 from William J. O'Shaughnessy, Esq. on behalf of defendant Schering-Plough to the Honorable G. Donald Haneke;

8. Letter of November 3, 2004 from Peter S. Pearlman, Esq. on behalf of direct purchaser class plaintiff Louisiana Wholesale Drug, to the Honorable G. Donald Haneke;
9. Letter of November 4, 2004 from Scott Perwin, Esq. on behalf of the CVS and Walgreen plaintiffs, to the Honorable G. Donald Haneke;
10. Letter of November 5, 2004 from Peter S. Pearlman, Esq. on behalf of direct purchaser class plaintiff Louisiana Wholesale Drug to the Honorable G. Donald Haneke;
11. Letter of November 5, 2004 from Peter K. Huston, Esq. on behalf of McKesson Corp., to the Honorable G. Donald Haneke;
12. Letter of November 5, 2004 from Francis X. Taney, Jr., Esq. on behalf of AmerisourceBergen Corp., to the Honorable G. Donald Haneke;
13. Letter of November 5, 2004 from Thomas L. Long, Esq. on behalf of Cardinal Health, Inc. to the Honorable G. Donald Haneke;
14. Letter of November 5, 2004, from William J. O'Shaughnessy, Esq. on behalf of defendant Schering-Plough to the Honorable G. Donald Haneke.
15. Letter of November 8, 2004 from Peter S. Pearlman, Esq. on behalf of direct purchaser class plaintiff Louisiana Wholesale Drug, to the Honorable G. Donald Haneke;
16. Letter of November 8, 2004 from Alan M. Wiseman, Esq. on behalf of defendant Schering-Plough to the Honorable G. Donald Haneke;
17. Letter of November 10, 2004 from Alan M. Wiseman, Esq. on behalf of defendant Schering-Plough to the Honorable G. Donald Haneke;
18. Letter of November 11, 2004 from Thomas L. Long, Esq. on behalf of Cardinal Health, to the Honorable G. Donald Haneke;
19. Letter of November 12, 2004 from Peter S. Pearlman, Esq. on behalf of direct purchaser class plaintiff Louisiana Wholesale Drug to the Honorable G. Donald Haneke;
20. Letter of November 12, 2004 from Alan M. Wiseman, Esq. on behalf of defendant Schering-Plough to the Honorable G. Donald Haneke;

21. Letter of November 15, 2004 from Charles Loughlin Esq. on behalf of defendant Schering-Plough to the Honorable G. Donald Haneke;
22. Letter of November 15, 2004 from Francis X. Taney, Jr., Esq. on behalf of AmerisourceBergen Corp., to the Honorable G. Donald Haneke;
23. Letter of November 16, 2004 from Alan M. Wiseman, Esq. on behalf of defendant Schering-Plough to the Honorable G. Donald Haneke;
24. Letter of November 19, 2004 from Peter K. Huston, Esq. on behalf of McKesson Corp., to the Honorable G. Donald Haneke;
25. Letter of November 23, 2004 from Peter S. Pearlman, Esq. on behalf of direct purchaser plaintiff Louisiana Wholesale Drug to the Honorable G. Donald Haneke;
26. Letter of November 23, 2004 from Peter S. Pearlman, Esq. on behalf of all plaintiffs to the Honorable G. Donald Haneke;
27. Letter of November 23, 2004 from Barry L. Refsin, Esq. on behalf of the CVS and Walgreen plaintiffs to the Honorable G. Donald Haneke;
28. Letter of November 23, 2004 from Thomas L. Long, Esq. on behalf of Cardinal Health, to the Honorable G. Donald Haneke;
29. Letter of November 29, 2004 from Allyn Z. Lite, Esq. on behalf of the indirect purchaser plaintiffs to the Honorable G. Donald Haneke;
30. Letter of November 29, 2004 from Alan M. Wiseman, Esq. on behalf of defendant Schering-Plough to the Honorable Joseph A. Greenaway;
31. Letter of December 2, 2004 from Douglas H. Patton, Esq. on behalf of the CVS and Walgreen plaintiffs to the Honorable Joseph A. Greenaway;
32. Letter of December 2, 2004 from Karic J. Barwind, Esq. on behalf of defendant Upsher-Smith to the Honorable G. Donald Haneke;
33. Three letters of December 3, 2004 from Alan M. Wiseman, Esq. on behalf of defendant Schering-Plough to the Honorable G. Donald Haneke;

34. Letter of December 10, 2004 from Lauren Ravkind, Esq. on behalf of all plaintiffs to the Honorable G. Donald Haneke;

35. Letter of December 13, 2004 from Francis X. Taney, Jr., Esq. on behalf of AmerisourceBergen Corp., to the Honorable G. Donald Haneke;

36. Letter of December 17, 2004 from Alan M. Wiseman, Esq. on behalf of defendant Schering-Plough to the Honorable G. Donald Haneke.

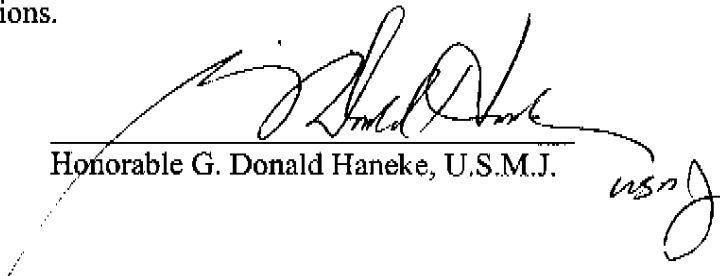
And for good cause shown;

IT IS ON THIS 29<sup>th</sup> day of MARCH, 2005,

ORDERED that all discovery disputes raised in the above letters are disposed of as follows:

1. Schering-Plough's letter motions dated September 23, 2004; October 15, 2004; October 28, 2004 seeking certain document and interrogatory discovery including "downstream discovery" of sales, selling prices, and profits of direct purchaser plaintiffs, and of AmerisourceBergen Corporation, McKesson Corporation and Cardinal Health Inc., are DENIED.
2. Plaintiffs' letter motion dated November 5, 2004 seeking certain document discovery from Schering-Plough is DENIED.
3. Schering-Plough's letter motion dated November 8, 2004 seeking certain document and interrogatory discovery from indirect purchaser plaintiffs is DENIED.
4. The national wholesalers' letter motions dated November 11, 2004; November 15, 2004; and November 19, 2004 seeking to quash deposition subpoenae served on the three national wholesalers are GRANTED IN PART AND DENIED IN PART. Schering-Plough and Upsher-Smith may depose those three national wholesalers, but may not depose them on topics precluded by this Order.
5. The Court adopts the methodology of determining deposition limits set forth in the December 3, 2004 letter of Alan M. Wiseman. The number of depositions may be increased upon a showing of good cause. The Court recognizes that certain depositions may require more

than the seven hours limit set forth in Fed. R. Civ. P. 30(d)(2) and directs the parties to cooperate in the scheduling and duration of depositions.



Honorable G. Donald Haneke, U.S.M.J. usdj

**In re K-Dur Antitrust Litigation**

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